

ESTTA Tracking number: **ESTTA344829**Filing date: **04/29/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

|         |   |             |          |
|---------|---|-------------|----------|
| Name    | Jack Daniel's Properties, Inc.  |             |          |
| Entity  | Corporation   | Citizenship | Delaware |
| Address | 4040 Civic Center Drive, Suite 528<br>San Rafael, CA 94903<br>UNITED STATES |             |          |

|                      |   |
|----------------------|---|
| Attorney information | Christopher C. Larkin<br>Seyfarth Shaw LLP<br>2029 Century Park East, Suite 3500<br>Los Angeles,, CA 90067-3021<br>UNITED STATES<br>clarkin@seyfarth.com, kelko@seyfarth.com Phone:(310) 277-7200 |
|----------------------|---|

**Registration Subject to Cancellation**

|                 |  |                   |            |
|-----------------|--|-------------------|------------|
| Registration No | 3530231  | Registration date | 11/11/2008 |
| Registrant      | DINOCO INTERNATIONAL CORPORATION<br>Suite 422 2351 College Station Road<br>Athens, GA 30605<br>UNITED STATES |                   |            |

**Goods/Services Subject to Cancellation**


|   |
|---|
| Class 005. First Use: 2007/10/01 First Use In Commerce: 2008/01/02<br>All goods and services in the class are cancelled, namely: Mixed vitamin preparations; Multi-vitamin preparations; Vitamin B preparations; Vitamin C preparations; Vitamin D preparations; Vitamin and mineral supplements; Vitamin enriched water; Vitamin fortified beverages; Vitamin preparations; Vitamin supplement in tablet form for use in making an effervescent beverage when added to water; Vitamin supplements; Vitamin tablets; Vitamins; Vitamins and vitamin preparations; Acetaminophen |
|---|

**Grounds for Cancellation**

|                                      |                            |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|

**Marks Cited by Petitioner as Basis for Cancellation**

|                       |               |                       |            |
|-----------------------|---------------|-----------------------|------------|
| U.S. Registration No. | 582789        | Application Date      | 08/28/1952 |
| Registration Date     | 11/24/1953    | Foreign Priority Date | NONE       |
| Word Mark             | JACK DANIEL'S |                       |            |

|                     |   |
|---------------------|---|
| Design Mark         |                                   |
| Description of Mark | NONE  |
| Goods/Services      | Class U049 (International Class 033). First use: First Use: 1875/00/00 First Use In Commerce: 1875/00/00<br>WHISKEY |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1923981  | Application Date      | 09/19/1994 |
| Registration Date     | 10/03/1995   | Foreign Priority Date | NONE       |
| Word Mark             | JACK DANIEL'S  |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 033. First use: First Use: 1875/00/00 First Use In Commerce: 1875/00/00<br>whiskey |                       |            |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1758658   | Application Date      | 07/01/1992 |
| Registration Date     | 03/16/1993  | Foreign Priority Date | NONE       |
| Word Mark             | JACK DANIEL'S   |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 033. First use: First Use: 1992/02/01 First Use In Commerce: 1992/02/01<br>cordials |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2815221  | Application Date      | 04/07/1998 |
| Registration Date     | 02/17/2004   | Foreign Priority Date | NONE       |
| Word Mark             | JACK   |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 033. First use: First Use: 1998/12/31 First Use In Commerce: 1998/12/31<br>alcoholic beverages, namely whiskey |                       |            |

|                   |         |                  |            |
|-------------------|---------|------------------|------------|
| U.S. Registration | 2633168 | Application Date | 05/03/2001 |
|-------------------|---------|------------------|------------|

|                     |  |                       |      |
|---------------------|--|-----------------------|------|
| No.                 |  |                       |      |
| Registration Date   | 10/08/2002   | Foreign Priority Date | NONE |
| Word Mark           | YOU CAN ASK FOR JACK ANYWHERE  |                       |      |
| Design Mark         | <b>YOU CAN ASK FOR JACK ANYWHERE</b>   |                       |      |
| Description of Mark | NONE   |                       |      |
| Goods/Services      | Class 033. First use: First Use: 2002/03/31 First Use In Commerce: 2002/03/31 Alcoholic beverages; namely, distilled spirits |                       |      |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2572051   | Application Date      | 04/03/2000 |
| Registration Date     | 05/21/2002  | Foreign Priority Date | NONE       |
| Word Mark             | JACK LIVES HERE   |                       |            |
| Design Mark           | <b>JACK LIVES HERE</b>  |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 033. First use: First Use: 2000/05/31 First Use In Commerce: 2000/05/31 Alcoholic beverages, namely distilled spirits |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1538377  | Application Date      | 09/23/1988 |
| Registration Date     | 05/09/1989   | Foreign Priority Date | NONE       |
| Word Mark             | GENTLEMAN JACK   |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 033. First use: First Use: 1988/01/28 First Use In Commerce: 1988/01/28 WHISKY |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3259938  | Application Date      | 03/28/2003 |
| Registration Date     | 07/10/2007   | Foreign Priority Date | NONE       |
| Word Mark             | BLACK JACK   |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 033. First use: First Use: 2004/04/19 First Use In Commerce: 2004/04/19 Alcoholic beverages, namely, pre-mixed alcoholic cocktails |                       |            |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3305834   | Application Date      | 12/26/2006 |
| Registration Date     | 10/09/2007  | Foreign Priority Date | NONE       |
| Word Mark             | THE MELLOWER SIDE OF JACK   |                       |            |
| Design Mark           |               |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 033. First use: First Use: 1990/12/31 First Use In Commerce: 1990/12/31 Distilled spirits |                       |            |

|             |   |
|-------------|---|
| Attachments | 71634575#TMSN.gif ( 1 page )( bytes )<br>76251627#TMSN.gif ( 1 page )( bytes )<br>76017011#TMSN.gif ( 1 page )( bytes )<br>77071413#TMSN.jpeg ( 1 page )( bytes )<br>Petition to Cancel.pdf ( 36 pages )(978066 bytes ) |
|-------------|---|

### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

|           |                         |
|-----------|-------------------------|
| Signature | /Christopher C. Larkin/ |
| Name      | Christopher C. Larkin   |
| Date      | 04/29/2010              |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 3,530,231  
Issued November 11, 2008

JACK DANIEL'S PROPERTIES, INC.,

Petitioner,

v.

DINOCO INTERNATIONAL  
CORPORATION,

Respondent.

Cancellation No.: \_\_\_\_\_

**PETITION TO CANCEL**

Petitioner Jack Daniel's Properties, Inc. ("Petitioner") believes that it will be damaged by the continued registration of the mark shown in Registration No. 3,530,231, and hereby petitions to cancel the same. As grounds for its petition, Petitioner alleges as follows:

1. Petitioner is a Delaware corporation with offices in San Rafael, California.
2. Upon information and belief, respondent Dinoco International Corporation ("Respondent") is a corporation organized under the laws of the state of Nevada, with an address of record in Athens, Georgia.
3. On January 14, 2008, Respondent filed Application Serial No. 77/371,261 to register the mark "JACK'S" on the Principal Register for goods identified as "Mixed vitamin preparations; Multi-vitamin preparations; Vitamin B preparations; Vitamin C preparations; Vitamin D preparations; Vitamin and mineral supplements; Vitamin enriched water; Vitamin fortified beverages; Vitamin preparations; Vitamin supplement in tablet form for use in making an effervescent beverage when added to water; Vitamin supplements; Vitamin tablets; Vitamins;

Vitamins and vitamin preparations; Acetaminophen” in Class 5, all on the basis of Respondent’s alleged use of the mark since October 1, 2007 and alleged use in commerce since January 2, 2008. Upon information and belief, Respondent’s mark was not in use in commerce on or in connection with each of the goods identified in Application Serial No. 77/371,261 when Respondent filed the application on January 14, 2008. Application Serial No. 77/371,261 matured into Registration No. 3,530,231 (the “Registration”) on November 11, 2008.

4. From a time long prior to the filing date of the application that matured into the Registration, or any earlier date of actual use of the mark shown in the Registration upon which Respondent can rely, and continuously to the present, Petitioner and its predecessors-in-interest have used the mark “JACK DANIEL’S” in the United States in connection with whiskey, prepared alcoholic cocktails, and other goods. Petitioner owns various registrations of the mark “JACK DANIEL’S” for whiskey, prepared alcoholic cocktails, and other goods, including Reg. No. 582,789 for the mark “JACK DANIEL’S” (stylized) for whiskey, Reg. No. 1,923,981 for the mark “JACK DANIEL’S” for whiskey, and Reg. No. 1,758,658 for the mark “JACK DANIEL’S” for cordials. These registrations are valid and subsisting and have become incontestable. Copies of the records of these registrations taken from the TARR electronic database of the Patent and Trademark Office and showing the current status and title of the registrations are attached hereto as Exhibit 1 and are incorporated by reference herein as if set forth in full.

5. From a time long prior to the filing date of the application that matured into the Registration, or any earlier date of actual use of the mark shown in the Registration upon which Respondent can rely, and continuously to the present, Petitioner and its predecessors-in-interest and licensees have expended substantial sums of money advertising and promoting whiskey and

other alcoholic beverages under and in connection with the “JACK DANIEL’S” mark, and have achieved substantial sales of such goods. The “JACK DANIEL’S” mark is famous in the United States for whiskey and prepared alcoholic cocktails, and became famous prior to the filing date of the application that matured into the Registration, or any earlier date of actual use of the mark shown in the Registration upon which Respondent can rely.

6. From a time long prior to the filing date of the application that matured into the Registration, or any earlier date of actual use of the mark shown in the Registration upon which Respondent can rely, and continuously to the present, Petitioner and its predecessors-in-interest have used a variety of other marks for alcoholic beverages consisting of or containing “JACK,” including “JACK,” “YOU CAN ASK FOR JACK ANYWHERE,” “JACK LIVES HERE,” “BLACK JACK,” “THE MELLOWER SIDE OF JACK,” and “GENTLEMAN JACK,” in connection with distilled spirits, whiskey, and/or prepared alcoholic cocktails, and have promoted “JACK DANIEL’S” whiskey and prepared alcoholic cocktails simply by reference to “JACK.” Petitioner owns Reg. No. 2,815,221 for the mark “JACK” for alcoholic beverages, namely whiskey, Reg. No. 2,633,168 for the mark “YOU CAN ASK FOR JACK ANYWHERE” for alcoholic beverages, namely, distilled spirits, Reg. No. 2,572,051 for the mark “JACK LIVES HERE” for alcoholic beverages, namely distilled spirits, Reg. No. 1,538,377 for the mark “GENTLEMAN JACK” for whisky, Reg. No. 3,259,938 for the mark “BLACK JACK” for alcoholic beverages, namely, pre-mixed alcoholic cocktails, and Reg. No. 3,305,834 for the mark “THE MELLOWER SIDE OF JACK” for distilled spirits. These registrations are valid and subsisting and Regs. Nos. 2,815,221, 2,633,168, 2,572,051, and 1,538,377 have become incontestable. Copies of the records of these registrations taken from the TARR electronic database of the Patent and Trademark Office and showing the current status and title of the

registrations are attached hereto as Exhibit 2 and are incorporated by reference herein as if set forth in full.

7. From a time long prior to the filing date of the application that matured into the Registration, or any earlier date of actual use of the mark shown in the Registration upon which Respondent can rely, and continuously to the present, the public has come to identify and to refer to “JACK DANIEL’S” whiskey and prepared alcoholic cocktails made from “JACK DANIEL’S” whiskey by the mark and name “JACK,” and this public use of “JACK” as a mark and name for “JACK DANIEL’S” whiskey and prepared alcoholic cocktails made from “JACK DANIEL’S” whiskey has inured to the benefit of Petitioner and its predecessors-in-interest and has given Petitioner rights in and to the mark “JACK” for whiskey and prepared alcoholic cocktails.

8. Upon information and belief, Respondent was aware of Petitioner’s “JACK DANIEL’S” and other “JACK” formative marks and adopted the “JACK’S” mark shown in the Registration with the intent to trade on the goodwill in Petitioner’s marks and to pass its products off as originating with, as being sponsored, licensed, or authorized by, or as being otherwise affiliated with, the owner of the “JACK DANIEL’S” and other “JACK” marks. Respondent has used the mark shown in the Registration on its website at [getyourjack.com](http://getyourjack.com) and [getjacks.com](http://getjacks.com) in connection with hangover remedies that are marketed in connection with a white-on-black trade dress that simulates the trade dress that Petitioner uses in connection with “JACK DANIEL’S” whiskey and other goods sold under the “JACK DANIEL’S” and “JACK” marks, and other elements that simulate the marketing of goods sold under the “JACK DANIEL’S” and “JACK” marks, and has used Petitioner’s “JACK DANIEL’S” marks in the metatags for its website.



9. Respondent's use of the mark shown in the Registration in connection with the goods identified therein is likely to cause consumers of Respondent's goods to believe mistakenly that they originate with, are produced, sponsored, licensed, or authorized by, or are otherwise affiliated with, the owner of the "JACK DANIEL'S" and various "JACK" formative marks for distilled spirits, whiskey, and prepared alcoholic cocktails.

**FIRST CLAIM FOR RELIEF**  
**(Likelihood of Confusion with Registered Trademarks)**

10. Petitioner repeats and realleges the allegations in preceding paragraphs 1-9 as if fully set forth herein.

11. The mark shown in the Registration so resembles Petitioner's registered marks as to be likely, when used on or in connection with the goods identified in the Registration, to cause confusion, to cause mistake, or to deceive, and Respondent is not entitled to maintain the registration of its mark because such registration is in violation of § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

12. Petitioner will be damaged by Respondent's continued registration of the mark shown in the Registration because such registration gives Respondent prima facie evidence of ownership of and the exclusive right to use a mark that is confusingly similar to Petitioner's registered marks, in derogation of Petitioner's rights in its registered marks.

**SECOND CLAIM FOR RELIEF**  
**(Likelihood of Confusion with Previously-Used Trademarks)**

13. Petitioner repeats and realleges the allegations in preceding paragraphs 1-9 as if fully set forth herein.

14. The mark shown in the Registration so resembles the marks previously used by Petitioner and its predecessors-in-interest in the United States, and not abandoned, as to be likely, when used on or in connection with the goods identified in the Registration, to cause

confusion, to cause mistake, or to deceive, and Respondent is not entitled to maintain the registration of its mark because such registration is in violation of § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

15. Petitioner will be damaged by Respondent's continued registration of the mark shown in the Registration because such registration gives Respondent prima facie evidence of ownership of and the exclusive right to use a mark that is confusingly similar to Petitioner's previously-used and not abandoned marks, in derogation of Petitioner's rights in its marks.

WHEREFORE, petitioner Jack Daniel's Properties, Inc. prays for judgment granting its petition to cancel Registration No. 3,530,231.

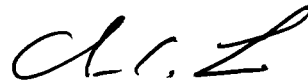
Please charge the filing fees for this cancellation to Deposit Account No. 50-2291 and direct all correspondence and communication in this cancellation to the undersigned.

Respectfully submitted,

SEYFARTH SHAW LLP

Dated: April 29, 2010

By: \_\_\_\_\_



Christopher C. Larkin  
Attorneys for Petitioner  
JACK DANIEL'S PROPERTIES, INC.

2029 Century Park East  
Suite 3500  
Los Angeles, CA 90067-3021  
Telephone: (310) 277-7200  
Facsimile: (310) 201-5219

# **EXHIBIT 1**

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-04-29 13:50:13 ET**

**Serial Number:** 71634575 Assignment Information      Trademark Document Retrieval

**Registration Number:** 582789

**Mark**



**(words only):** JACK DANIEL'S

**Standard Character claim:** No

**Current Status:** This registration has been renewed.

**Date of Status:** 2003-10-06

**Filing Date:** 1952-08-28

**Transformed into a National Application:** No

**Registration Date:** 1953-11-24

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 40S -Scanning On Demand

**Date In Location:** 2008-10-21

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. JACK DANIEL'S PROPERTIES, INC.

**Address:**

JACK DANIEL'S PROPERTIES, INC.  
4040 CIVIC CENTER DRIVE SUITE 428

EXHIBIT 1-1

SAN RAFAEL, CA 94903

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

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### GOODS AND/OR SERVICES

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**U.S. Class:** 049 (International Class 033)

**Class Status:** Active

WHISKEY

**Basis:** 1(a)

**First Use Date:** 1875-00-00

**First Use in Commerce Date:** 1875-00-00

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### ADDITIONAL INFORMATION

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**Prior Registration Number(s):**

298102

323914

394017

394018

441002

513088

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2010-01-08 - Notice Of Suit

2008-10-21 - Case File In TIGRS

2003-10-06 - First renewal 10 year

2003-10-06 - Section 8 (10-year) accepted/ Section 9 granted

2003-07-14 - Combined Section 8 (10-year)/Section 9 filed

2003-07-14 - TEAS Section 8 & 9 Received

2002-07-16 - TEAS Change Of Correspondence Received

1993-07-13 - Second renewal 10 year

EXHIBIT 1-2

1993-06-02 - Section 9 filed/check record for Section 8

1973-11-24 - First renewal

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**  
DAVID S GOODER

**Correspondent**  
DAVID S. GOODER  
JACK DANIEL'S PROPERTIES, INC.  
4040 CIVIC CENTER DRIVE, SUITE 528  
SAN RAFAEL CA 94903  
Phone Number: 415 446 5225  
Fax Number: 415 446 5230

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EXHIBIT 1-3

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-04-29 13:50:30 ET**

**Serial Number:** 74575005 Assignment Information      Trademark Document Retrieval

**Registration Number:** 1923981

**Mark (words only):** JACK DANIEL'S

**Standard Character claim:** No

**Current Status:** This registration has been renewed.

**Date of Status:** 2005-10-05

**Filing Date:** 1994-09-19

**Transformed into a National Application:** No

**Registration Date:** 1995-10-03

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 101

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 40S -Scanning On Demand

**Date In Location:** 2009-02-24

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#### **LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. JACK DANIEL'S PROPERTIES, INC.

**Address:**

JACK DANIEL'S PROPERTIES, INC.  
4040 CIVIC CENTER DRIVE, STE 528  
SAN RAFAEL, CA 94903  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

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#### **GOODS AND/OR SERVICES**

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**International Class:** 033

**Class Status:** Active

EXHIBIT 1-4

whiskey

**Basis:** 1(a)

**First Use Date:** 1875-00-00

**First Use in Commerce Date:** 1875-00-00

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### ADDITIONAL INFORMATION

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**Name Portrait Consent:** The name "JACK DANIEL'S" does not identify a living individual.

**Prior Registration Number(s):**

323914

441002

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2010-01-08 - Notice Of Suit

2009-02-24 - Case File In TIGRS

2005-10-05 - First renewal 10 year

2005-10-05 - Section 8 (10-year) accepted/ Section 9 granted

2005-10-05 - Assigned To Paralegal

2005-06-22 - Combined Section 8 (10-year)/Section 9 filed

2005-06-22 - TEAS Section 8 & 9 Received

2001-08-10 - Section 8 (6-year) accepted & Section 15 acknowledged

2001-06-11 - Section 8 (6-year) and Section 15 Filed

1995-10-03 - Registered - Principal Register

1995-07-11 - Published for opposition

1995-06-09 - Notice of publication

1995-03-02 - Approved for Pub - Principal Register (Initial exam)

1995-02-10 - Examiner's amendment mailed

EXHIBIT 1-5



**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**  
DAVID S GOODER

**Correspondent**  
DAVID S. GOODER  
JACK DANIEL'S PROPERTIES, INC.  
4040 CIVIC CENTER DRIVE, STE 528  
SAN RAFAEL, CA 94903

EXHIBIT 1-6

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-04-29 13:50:49 ET**

**Serial Number:** 74290193 Assignment Information      Trademark Document Retrieval

**Registration Number:** 1758658

**Mark (words only):** JACK DANIEL'S

**Standard Character claim:** No

**Current Status:** This registration has been renewed.

**Date of Status:** 2003-03-06

**Filing Date:** 1992-07-01

**Transformed into a National Application:** No

**Registration Date:** 1993-03-16

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 14

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 40S -Scanning On Demand

**Date In Location:** 2008-07-16

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#### **LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. JACK DANIEL'S PROPERTIES, INC.

**Address:**

JACK DANIEL'S PROPERTIES, INC.  
4040 CIVIC CENTER DRIVE, SUITE 528  
SAN RAFAEL, CA 94903  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

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#### **GOODS AND/OR SERVICES**

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**International Class:** 033

**Class Status:** Active

EXHIBIT 1-7

cordials

**Basis:** 1(a)

**First Use Date:** 1992-02-01

**First Use in Commerce Date:** 1992-02-01

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### ADDITIONAL INFORMATION

**Name Portrait Consent:** The name "JACK DANIEL'S" shown in the mark does not identify a living individual.

**Prior Registration Number(s):**

298102

394017

441002

582789

1630258

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### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

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### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2010-01-08 - Notice Of Suit

2008-07-16 - Case File In TICRS

2003-03-06 - First renewal 10 year

2003-03-06 - Section 8 (10-year) accepted/ Section 9 granted

2002-11-22 - Combined Section 8 (10-year)/Section 9 filed

2002-11-22 - TEAS Section 8 & 9 Received

2002-07-16 - TEAS Change Of Correspondence Received

1998-12-16 - Section 8 (6-year) accepted & Section 15 acknowledged

1998-09-03 - Section 8 (6-year) and Section 15 Filed

1993-03-16 - Registered - Principal Register

1992-12-22 - Published for opposition

1992-11-20 - Notice of publication

EXHIBIT 1-8

1992-09-29 - Approved for Pub - Principal Register (Initial exam)

1992-09-09 - Examiner's amendment mailed

1992-09-04 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

DAVID S GOODER

**Correspondent**

David S. Gooder

Jack Daniel's Properties, Inc.

4040 Civic Center Drive, Suite 528

San Rafael CA 94903

Phone Number: 415 446 5225

Fax Number: 415 446 5230

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EXHIBIT 1-9

## **EXHIBIT 2**

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-04-29 13:52:01 ET**

**Serial Number:** 75463656 Assignment Information      Trademark Document Retrieval

**Registration Number:** 2815221

**Mark (words only):** JACK

**Standard Character claim:** No

**Current Status:** Section 8 and 15 affidavits have been accepted and acknowledged.

**Date of Status:** 2010-03-02

**Filing Date:** 1998-04-07

**Transformed into a National Application:** No

**Registration Date:** 2004-02-17

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 111

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** M20 -TMO Law Office 111

**Date In Location:** 2010-03-02

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#### **LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. JACK DANIEL'S PROPERTIES, INC.

**Address:**

JACK DANIEL'S PROPERTIES, INC.  
4040 CIVIC CENTER DRIVE, SUITE 528  
SAN RAFAEL, CA 94903  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

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#### **GOODS AND/OR SERVICES**

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**International Class:** 033

**Class Status:** Active

EXHIBIT 2-1

alcoholic beverages, namely whiskey

**Basis:** 1(a)

**First Use Date:** 1998-12-31

**First Use in Commerce Date:** 1998-12-31

### ADDITIONAL INFORMATION

(NOT AVAILABLE)

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2010-03-02 - Section 8 (6-year) accepted & Section 15 acknowledged

2010-03-01 - Case Assigned To Post Registration Paralegal

2010-02-17 - TEAS Section 8 & 15 Received

2004-02-17 - Registered - Principal Register

2003-12-15 - Allowed for Registration - Principal Register (SOU accepted)

2003-11-05 - Communication received from applicant

2003-12-04 - Case File In TICSRS

2003-11-05 - PAPER RECEIVED

2003-05-08 - Non-final action mailed

2003-05-08 - Previous allowance count withdrawn

2003-05-08 - Allowed for Registration - Principal Register (SOU accepted)

2003-05-07 - Assigned To Examiner

2003-05-05 - Statement of use processing complete

2003-03-11 - Amendment to Use filed

2003-03-11 - TEAS Statement of Use Received

2002-09-17 - Noa Mailed - SOU Required From Applicant

EXHIBIT 2-2

2002-06-25 - Published for opposition

2002-06-05 - Notice of publication

2002-03-18 - Approved for Pub - Principal Register (Initial exam)

1999-09-13 - Letter of suspension mailed

1999-09-10 - Assigned To Examiner

1999-01-27 - Assigned To Examiner

1998-07-17 - Letter of suspension mailed

1998-07-07 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

DAVID S GOODER

**Correspondent**

DAVID S GOODER

Jack Daniel's Properties, Inc.

4040 Civic Center Drive, Suite 528

SAN RAFAEL CA 94903-4191

Phone Number: 415-446-5225

Fax Number: 415-446-5230

---

EXHIBIT 2-3



**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-04-29 13:52:15 ET**

**Serial Number:** 76251627 Assignment Information      Trademark Document Retrieval

**Registration Number:** 2633168

**Mark (words only):** YOU CAN ASK FOR JACK ANYWHERE

**Standard Character claim:** No

**Current Status:** Section 8 and 15 affidavits have been accepted and acknowledged.

**Date of Status:** 2008-09-03

**Filing Date:** 2001-05-03

**Transformed into a National Application:** No

**Registration Date:** 2002-10-08

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 111

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 830 -Post Registration

**Date In Location:** 2008-09-03

---

#### **LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. Jack Daniel's Properties, Inc.

**Address:**

Jack Daniel's Properties, Inc.  
4040 Civic Center Drive Suite 528  
San Rafael, CA 94903  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

#### **GOODS AND/OR SERVICES**

**International Class:** 033

**Class Status:** Active

EXHIBIT 2-4

Alcoholic beverages; namely, distilled spirits

**Basis:** 1(a)

**First Use Date:** 2002-03-31

**First Use in Commerce Date:** 2002-03-31

---

### ADDITIONAL INFORMATION

---

**Prior Registration Number(s):**

582789

1758658

1923981

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### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-09-03 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-08-28 - Assigned To Paralegal

2008-08-19 - TEAS Section 8 & 15 Received

2008-04-02 - Case File In TIGRS

2002-10-08 - Registered - Principal Register

2002-07-09 - Allowed for Registration - Principal Register (SOU accepted)

2002-06-27 - Statement of use processing complete

2002-06-27 - Amendment to Use filed

2002-06-26 - TEAS Statement of Use Received

2002-01-15 - Noa Mailed - SOU Required From Applicant

2001-10-23 - Published for opposition

2001-10-03 - Notice of publication

2001-07-30 - Approved for Pub - Principal Register (Initial exam)

2001-07-10 - Assigned To Examiner

EXHIBIT 2-5

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

David S. Gooder

**Correspondent**

David S. Gooder

JACK DANIEL'S PROPERTIES INC.

4040 CIVIC CENTER DR STE 528

SAN RAFAEL CA 94903

Phone Number: 415-446-5225

Fax Number: 415-446-5230

EXHIBIT 2-6

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-04-29 13:52:30 ET**

**Serial Number:** 76017011 Assignment Information      Trademark Document Retrieval

**Registration Number:** 2572051

**Mark (words only):** JACK LIVES HERE

**Standard Character claim:** No

**Current Status:** Section 8 and 15 affidavits have been accepted and acknowledged.

**Date of Status:** 2008-07-04

**Filing Date:** 2000-04-03

**Transformed into a National Application:** No

**Registration Date:** 2002-05-21

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 111

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 830 -Post Registration

**Date In Location:** 2008-07-04

---

#### **LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. Jack Daniel's Properties, Inc.

**Address:**

Jack Daniel's Properties, Inc.  
4040 Civic Center Drive, Suite 528  
San Rafael, CA 94903  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

#### **GOODS AND/OR SERVICES**

**International Class:** 033

**Class Status:** Active

EXHIBIT 2-7

Alcoholic beverages, namely distilled spirits

**Basis:** 1(a)

**First Use Date:** 2000-05-31

**First Use in Commerce Date:** 2000-05-31

### ADDITIONAL INFORMATION

(NOT AVAILABLE)

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-07-04 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-05-27 - Assigned To Paralegal

2008-05-15 - TEAS Section 8 & 15 Received

2007-08-30 - Case File In TIGRS

2002-05-21 - Registered - Principal Register

2002-02-20 - Allowed for Registration - Principal Register (SOU accepted)

2002-02-19 - Assigned To Examiner

2002-02-12 - Statement of use processing complete

2002-01-18 - Amendment to Use filed

2001-05-24 - Extension 1 granted

2001-05-11 - Extension 1 filed

2001-04-03 - Noa Mailed - SOU Required From Applicant

2001-01-09 - Published for opposition

2000-12-08 - Notice of publication

2000-09-15 - Approved for Pub - Principal Register (Initial exam)

2000-09-14 - Assigned To Examiner

EXHIBIT 2-8

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

David S. Gooder

**Correspondent**

David S. Gooder

JACK DANIEL'S PROPERTIES, INC.

4040 CIVIC CENTER DRIVE, SUITE 528

SAN RAFAEL CA 94903

Phone Number: 415-446-5225

Fax Number: 415-446-5230

EXHIBIT 2-9

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-04-29 13:52:46 ET**

**Serial Number:** 73754322 Assignment Information      Trademark Document Retrieval

**Registration Number:** 1538377

**Mark (words only):** GENTLEMAN JACK

**Standard Character claim:** No

**Current Status:** This registration has been renewed.

**Date of Status:** 2009-05-28

**Filing Date:** 1988-09-23

**Transformed into a National Application:** No

**Registration Date:** 1989-05-09

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 830 -Post Registration

**Date In Location:** 2009-05-28

---

#### **LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. JACK DANIEL DISTILLERY, LEM MOTLOW, PROP, INC.

**Address:**

JACK DANIEL DISTILLERY, LEM MOTLOW, PROP, INC.

LYNCHBURG, TN 37352

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

#### **GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

EXHIBIT 2-10

WHISKY

**Basis:** 1(a)

**First Use Date:** 1988-01-28

**First Use in Commerce Date:** 1988-01-28

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### ADDITIONAL INFORMATION

---

(NOT AVAILABLE)

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### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2009-05-28 - First renewal 10 year

2009-05-28 - Section 8 (10-year) accepted/ Section 9 granted

2009-05-12 - Assigned To Paralegal

2009-05-07 - TEAS Section 8 & 9 Received

2008-08-07 - Case File In TIGRS

2002-07-16 - TEAS Change Of Correspondence Received

1996-03-07 - Section 8 (6-year) accepted & Section 15 acknowledged

1996-01-29 - Petition To Director - Granted

1995-10-11 - Petition To Director Received

1995-10-11 - Response received for Post Registration action

1995-09-13 - Post Registration action mailed Section 8 & 15

1995-01-19 - Section 8 (6-year) and Section 15 Filed

1989-05-09 - Registered - Principal Register

1989-02-14 - Published for opposition

1989-01-17 - Notice of publication

1989-01-14 - Notice of publication

EXHIBIT 2-11



1988-12-07 - Approved for Pub - Principal Register (Initial exam)

1988-12-06 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

David S. Gooder

**Correspondent**

David S. Gooder

Jack Daniel's Properties, Inc.

4040 Civic Center Drive, Suite 528

San Rafael CA 94903

Phone Number: 415 446 5225

Fax Number: 415 446 5230

---

EXHIBIT 2-12

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-04-29 13:53:26 ET**

**Serial Number:** 78231578 Assignment Information      Trademark Document Retrieval

**Registration Number:** 3259938

**Mark (words only):** BLACK JACK

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2007-07-10

**Filing Date:** 2003-03-28

**Transformed into a National Application:** No

**Registration Date:** 2007-07-10

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 115

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2007-07-10

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#### **LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Jack Daniel's Properties, Inc.

**Address:**

Jack Daniel's Properties, Inc.  
4040 Civic Center Drive, Suite 528  
San Rafael, CA 94903  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

**Phone Number:** 415 446 5225

**Fax Number:** 415 446 5230

---

#### **GOODS AND/OR SERVICES**

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EXHIBIT 2-13

**International Class:** 033

**Class Status:** Active

Alcoholic beverages, namely, pre-mixed alcoholic cocktails

**Basis:** 1(a)

**First Use Date:** 2004-04-19

**First Use in Commerce Date:** 2004-04-19

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### ADDITIONAL INFORMATION

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(NOT AVAILABLE)

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-07-10 - Registered - Principal Register

2007-04-24 - Published for opposition

2007-04-04 - Notice of publication

2007-03-05 - Law Office Publication Review Completed

2007-03-02 - Approved for Pub - Principal Register (Initial exam)

2007-02-06 - LETTER OF SUSPENSION E-MAILED

2007-02-06 - Suspension Letter Written

2007-02-06 - Amendment to Use approved

2007-02-06 - Amendment to use processing complete

2007-02-02 - Amendment to Use filed

2007-02-02 - PAPER RECEIVED

2007-01-18 - Report Completed Suspension Check Case Still Suspended

2007-01-18 - Assigned To LIE

2006-06-28 - Report Completed Suspension Check Case Still Suspended

2005-12-08 - LETTER OF SUSPENSION E-MAILED

EXHIBIT 2-14

2005-12-08 - Suspension Letter Written  
2005-12-08 - Amendment From Applicant Entered  
2005-11-15 - Communication received from applicant  
2005-11-15 - PAPER RECEIVED  
2005-06-13 - Report Completed Suspension Check Case Still Suspended  
2004-12-11 - Report Completed Suspension Check Case Still Suspended  
2004-05-18 - LETTER OF SUSPENSION E-MAILED  
2004-03-15 - Communication received from applicant  
2004-03-15 - PAPER RECEIVED  
2003-09-15 - Non-final action e-mailed  
2003-09-13 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

David S. Gooder

**Correspondent**

David S. Gooder

4040 CIVIC CENTER DR STE 528

SAN RAFAEL CA 94903-4191

Phone Number: 415 446 5225

Fax Number: 415 446 5230

---

EXHIBIT 2-15

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-04-29 13:53:39 ET**

**Serial Number:** 77071413 Assignment Information      Trademark Document Retrieval

**Registration Number:** 3305834

**Mark**

THE MELLOWER SIDE OF JACK

**(words only):** THE MELLOWER SIDE OF JACK

**Standard Character claim:** Yes

**Current Status:** Registered.

**Date of Status:** 2007-10-09

**Filing Date:** 2006-12-26

**Transformed into a National Application:** No

**Registration Date:** 2007-10-09

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 105

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2007-10-09

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Jack Daniel's Properties, Inc.

**Address:**

Jack Daniel's Properties, Inc.  
Suite 528 4040 Civic Center Drive

EXHIBIT 2-16

San Rafael, CA 94903

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

**Phone Number:** (415) 446-5225

**Fax Number:** (415) 446-5230

## GOODS AND/OR SERVICES

**International Class:** 033

**Class Status:** Active

Distilled spirits

**Basis:** 1(a)

**First Use Date:** 1990-12-31

**First Use in Commerce Date:** 1990-12-31

## ADDITIONAL INFORMATION

**Name Portrait Consent:** The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

**Prior Registration Number(s):**

632940

1264434

2815221

## MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

## PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-10-09 - Registered - Principal Register

2007-07-24 - Published for opposition

2007-07-04 - Notice of publication

2007-05-08 - Law Office Publication Review Completed

2007-05-08 - Assigned To LIE

2007-04-18 - Approved for Pub - Principal Register (Initial exam)

2007-04-18 - Assigned To Examiner

EXHIBIT 2-17

2006-12-29 - New Application Entered In Tram

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

David S. Gooder

**Correspondent**

DAVID S. GOODER

JACK DANIEL'S PROPERTIES, INC.

4040 CIVIC CENTER DR STE 528

SAN RAFAEL, CA 94903-4191

Phone Number: (415) 446-5225

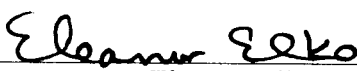
Fax Number: (415) 446-5230

EXHIBIT 2-18

**CERTIFICATE OF SERVICE**

I hereby certify that on April 29, 2010, I served the foregoing Petition to Cancel on the respondent by mailing a copy thereof by First Class Mail, postage prepaid, addressed to respondent at its correspondence address of record in the records of the Patent and Trademark Office as follows:

Dinoco International Corporation  
2351 College Station Road, Suite 422  
Athens, GA 30605

  
\_\_\_\_\_  
Eleanor Elko